



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

12/08/2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCDC File Number 033-08

The Department of Land Conservation and Development (DLCDC) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCDC office in Salem and the local government office.

Appeal Procedures*

DLCDC ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 17, 2008

This amendment was not submitted to DLCDC for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

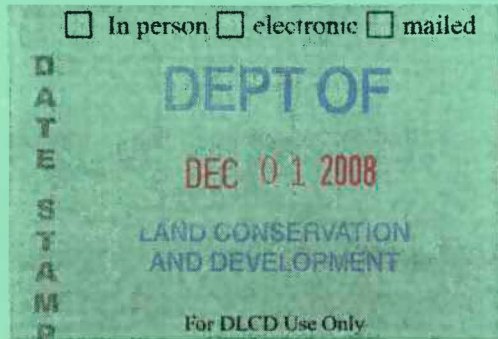
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCDC. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, City of Medford
Gloria Gardiner, DLCDC Urban Planning Specialist
John Renz, DLCDC Regional Representative

<paa>

Notice of Adoption



**THIS FORM MUST BE MAILED TO DLCD
 WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Medford**

Local file number: **CP-08-141**

Date of Adoption: **11/20/2008**

Date Mailed: **11/25/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Intergovernmental Agreement**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Authorization by Ordinance for the Mayor to sign the "Greater Bear Creek Valley Regional Problem Solving Agreement" (aka "Participants' Agreement"), which commits the City of Medford to future collaborative planning activities with the other cities in the valley.

Does the Adoption differ from proposal? **No, no explanation is necessary**

On the advice of DLCD Director and Regional staff, the City of Medford is sending this "Notice of Adoption" even though no "Notice of Proposed Amendment" was sent. This advice was universal among the other signatories to the Agreement.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

033-08 (NOA)

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Cities of Phoenix, Central Point, Jacksonville, Talent, Eagle Point, and Ashland; LCDC, DLCD, ODOT, ODHCS, OECD, DEQ, ODA, RVMPO and RVS.

Local Contact: **John Adam, Planner IV**

Phone: (541) 774-2399 Extension:

Address: **200 South Ivy Street**

Fax Number: **541-774-2564**

City: **Medford**

Zip: **97501**

E-mail Address:

John.Adam@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

ORDINANCE NO 2008-235

AN ORDINANCE authorizing execution of an Intergovernmental Agreement (Participants' Agreement) for the Bear Creek Valley Regional Problem Solving Program to establish the process to implement the Bear Creek Valley Regional Plan

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

That execution of an Intergovernmental Agreement (Participants' Agreement) for the Bear Creek Valley Regional Problem Solving Program to establish the process to implement the Bear Creek Valley Regional Plan, which agreement is on file in the City Recorder's office, is hereby authorized

PASSED by the Council and signed by me in authentication of its passage this 20 day of November, 2008

ATTEST Glenda Owens
City Recorder

Steve Wheeler
Mayor
Steve Wheeler
Mayor

APPROVED November 20 2008



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: 5 November 2008
To: Mayor and City Council
By: John Adam, Planner IV *JA*
Reviewed by: *SM* Suzanne Myers, Principal Planner
Subject: RPS Participants' Agreement (File No.CP-08-141)

City of Medford—Consideration of the City of Medford entering into an Inter-governmental Agreement, the "Participants' Agreement," for the Bear Creek Valley Regional Problem Solving (RPS) Program, which provides the signatories' process to implement the Bear Creek Valley Regional Plan.

BACKGROUND

Proposal

The Bear Creek Valley Regional Problem Solving (RPS) Plan directs future urbanization through the establishment of urban reserve areas (URAs), which are the priority areas for expansion of a city's urban growth boundary (UGB) when expansion becomes necessary.

In order to proceed with the creation of URAs, the City intends to enter into an agreement with the other participants in the process. Such an agreement is a prerequisite of Plan participation established in ORS 197.656(2), the RPS statute.

The recommended action is to authorize the Mayor to sign the Participants' Agreement.

Applicable Criteria

Section 10.184 normally applies to Comprehensive Plan amendments. However, the proposed action does not amend any Comprehensive Plan component; instead, it sets into motion a series of planning activities that may result in amendments to the Comprehensive Plan. Therefore, the "Criteria for Plan Amendments" in the "Review and Amendment Procedures" chapter of the Plan do not apply.

The Land Conservation and Development Commission (LCDC) recently gave tentative approval to the Participants' Agreement (10/28/2008), finding it contains the components required by ORS 197.656(2)(b) (see **Exhibit A**). Staff determines, after considering the advice of DLCD, that the City should make the same finding if it chooses to participate in the agreement. In addition,

the Council will need to find that "the agreement reached by regional problem-solving process participants and [subsequently] the implementing plan amendments and land use regulations conform, on the whole, with the purposes of the statewide planning goals" (197.656(2)(c)). A summary of Goals 1–14 are attached as **Exhibit B**; Goals 15–19 are not applicable.

Please note that the current action is only to consider the agreement. Consideration of whether the implementing plan amendments and land use regulations conform to statewide planning goals will occur at the time those plans and regulations are up for adoption.

FINDINGS

According to ORS 197.656(2), the Land Conservation and Development Commission is authorized to approve future Comprehensive Plan amendments related to RPS upon a determination that:

- (b) The regional problem-solving process has included agreement among the participants on:
 - (A) Regional goals for resolution of each regional problem that is the subject of the process;
 - (B) Optional techniques to achieve the goals for each regional problem that is the subject of the process;
 - (C) Measurable indicators of performance toward achievement of the goals for each regional problem that is the subject of the process;
 - (D) A system of incentives and disincentives to encourage successful implementation of the techniques chosen by the participants to achieve the goals;
 - (E) A system for monitoring progress toward achievement of the goals; and
 - (F) A process for correction of the techniques if monitoring indicates that the techniques are not achieving the goals.

The Participants' Agreement is attached as **Exhibit C**. It contains the above components in Sections IV through X, which detail the methods for achieving the regional goals, encouraging and measuring achievement, and making corrections when necessary. Staff concludes the Agreement contains the required components listed in ORS 197.656(2)(b).

The second required finding is conformance, on the whole, with the purposes of the Goals. The Agreement does not need to meet this requirement on its own; it is when the Agreement is enacted in conjunction with the process of implementing the Plan that conformance is determined. However, staff offers findings below as to how the Agreement conforms to each relevant Goal:

1. **Citizen Involvement.** The public has been involved since the beginning of the RPS project. As per City of Medford procedures, citizen input will take place at all subsequent planning stages.
2. **Land Use Planning.** The development of the RPS Plan and the Participants' Agreement establishes a policy and process framework to guide decision making. It is based on extensive studies and conclusions, and requires further studies as participants implement the Plan.
3. **Agricultural Lands.** On balance with Goals 9, 10, and 14, the Plan and Agreement preserves agricultural lands by delimiting the extent of urbanization in the valley for the next 50 years, more or less.
4. **Forest Lands.** The same finding as for Goal 3 applies for this Goal.
5. **Natural Resources, Scenic and Historic Areas, and Open Spaces.** The Agreement offers the option of using critical open space preservation strategies. The "future growth area" choices made during the process avoided sensitive resources to the extent feasible.
6. **Air, Water, and Land Resources Quality.** The Participants' Agreement does not exempt participants from State and Federal regulations, nor does it weaken participants' existing regulations concerning environmental quality.
7. **Areas Subject to Natural Hazards.** The finding for Goal 6 generally applies for this Goal.
8. **Recreational Needs.** As with the above Goals, this is a matter of Plan implementation rather than adoption of the Agreement. The Agreement identifies three regional problems and points to the mechanisms that will be used to address them. Yet, implicit throughout Sections IV through X are the *growth areas* that will be reserved to satisfy land-use needs in the coming decades, including recreational needs.
9. **Economic Development.** As with housing, the various participants may argue for distributions and allocations of employment lands that achieve the Goal without strictly conforming to the rules (197.656(2)), which means the City can aspire to a greater land supply to increase economic development opportunities.
10. **Housing.** As the Plan is implemented the City of Medford will have more flexibility to define its character through the types of housing it plans for.
11. **Public Facilities and Services.** This is another instance where Plan implementation will address these needs.
12. **Transportation.** Federal law requires coordinated transportation planning. The Agreement enhances this by requiring a more unified, systemic approach.

13. **Energy Conservation.** Plan implementation will determine compliance.
14. **Urbanization.** The Agreement and the Plan look further ahead than the 20-year horizon and utilize the "urban reserve" tools available in ORS 195.137.

As noted above, it is, by definition, an impossible task to find that the Agreement conforms to the Goals on its own (see 656(2)(c)), just as it is not possible to measure conformity to the Goals when measuring each Goal in isolation. Conformity is determined in the balance. Nevertheless, staff believes that Council is able to find that the Agreement conforms, on the whole, to the relevant Statewide Planning Goals.

Even in the absence of RPS, if the City wanted to establish urban reserves, an agreement between the County and the City is required by ORS 195.143(2) "that identifies the land to be designated by the district in the district's regional framework plan as urban reserves." With RPS, the City has the advantage of an Agreement and a Plan that has the commitment and support of the County. The Board of Commissioners is pleased with the current Participants' Agreement and anticipates signing it in the near future.

RECOMMENDED ACTION

Adopt the ordinance authorizing the Mayor to sign the Participants' Agreement, provided it is substantially the same as the Agreement in Exhibit C.

EXHIBITS

- A ORS 197.652–658, the statute enabling collaborative regional problem solving
- B Statewide Planning Goals 1–14 (Summary)
- C RPS Participants' Agreement (ver. 10/29/2008)

CITY COUNCIL AGENDA: 11/20/2008

Notes

P:\CURRENT PLANNING DIVISION\STAFF REPORTS\Comprehensive Plan Amendment\2008\CP-08-141 RPS Participants Agreement\CP-08-141 Staff Report (cc).doc

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CERTIFIED MAIL™



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010-06507637
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11/26/2008
Mailed From 97501
US POSTAGE

RETURN RECEIPT
REQUESTED

ATTN: Plan Amendment Specialist
Dept. of Land Conser. & Develop.
635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540